Energy Law
Spring 2013
Prof. Eisen
Wednesdays, Room 206, 10:00-11:40 a.m.

Course Format and Logistics:

Energy law is a unique hybrid of three types of laws: (1) natural resources laws (laws regulating individual energy resources such as natural gas); (2) public utility laws; and (3) environmental laws.

It is an exciting time to study the energy sector of the economy, because it is almost always front-page news. The climate change discussion has brought national attention to our current energy portfolio and strategies to wean the U.S. from fossil fuel dependence. The state and federal regulatory environment for key energy industries continues to be in flux, and environmental issues beyond global climate change are important as well.

This course covers the laws and policies that govern the exploitation of energy resources and the production and distribution of electricity. We begin with traditional principles of utility law and regulation (including rate regulation). We move on to focus on laws and policies on natural gas and electricity. We study electricity restructuring, renewable energy, conservation and efficiency, global climate change, and other contemporary topics.

1. Any assignment may be turned in to me (as an e-mail attachment) or, if I authorize it, to my administrative assistant, Melinda Fenick, in room 203. It is your responsibility to make sure that assignments reach me in a timely fashion.

2. You may send me e-mail at joelbeisen@gmail.com or jeisen@richmond.edu. I will make every effort to respond promptly to your messages. If you would like to chat via IM with me about the course, please feel free to invite me on Gchat at my Google email address. I am also on Twitter as “@joeleisen” and tweet on energy and
environmental matters. If you would like to meet in person, you may drop in to see me if I am in my office or schedule an appointment. I am usually available immediately after this class on Wednesdays.

**Required Reading:**

**BOSSELMAN, EISEN, ROSSI, SPENCE AND WEAVER, ENERGY, ECONOMICS AND THE ENVIRONMENT (3rd ed. 2010).**

The book is a relatively new edition with many changes, so you may not rely on previous editions. It is quite comprehensive and we will not attempt to cover all of its 1300+ pages. Instead, you should think of it as a valuable resource on a wide variety of topics. You should find it unnecessary to consult unassigned sources. There is a good nutshell on Energy Law, but I do not believe it necessary to purchase that unless you want more explanation of issues covered in the book. I do strongly suggest that you consult the "Greenwire" news source from time to time. It is at [http://www.eenews.net/Greenwire.htm](http://www.eenews.net/Greenwire.htm). (You will need login information from the law library.) I've found Greenwire to be especially topical and timely.

**Course Requirements:**

In addition to active participation in class discussion, there are two written requirements for the course: a short writing assignment on Virginia's scheme of electricity rate regulation, and a final exam administered during the law school's spring exam period.

**Grading and Evaluation:**

Course grades will be determined by the following formula:

1. **60%** on the exam.
2. **10%** on the Dominion Virginia Power rate regulation assignment.
3. **30%** on performance in class.
Course Assignments and Readings:

A list of reading assignments is set forth below. Chapter and page references below abbreviated as “EEE” are to the assigned coursebook, Bosselman, Eisen, Rossi, Spence, and Weaver, ENERGY, ECONOMICS AND THE ENVIRONMENT (3rd ed. 2010). These reading assignments are not necessarily daily readings, but rather a list of the order in which we will cover the materials. I will let you know in advance about your assignment for each class, using the course Blackboard.

Reading Assignments:
First Week Reading: EEE Ch. 1, pp. 1-25; Ch. 2, pp. 26-40 (Charles River Bridge)

I. Introduction/Traditional Principles of Regulation/Post-2007 VA Rate Regulation

EEE Ch. 1 (Introduction), 1-25
EEE Ch. 2 (Public Utility Regulation), 26-40, 40-53, 58-82, 88 n.3-109

Case Study & Writing Assignment (Rate Regulation): 2012 Dominion Virginia Power “rate adjustment clause” request (application; Virginia State Corporation Commission’s order); Va. Code § 56-585.1(A)(1)

II. Natural Gas/Restructuring; Regulation of Fracking

EEE Ch. 7 (Natural Gas), 443-460, 489-526

Selections from Hannah J. Wiseman and Francis Gradijan, Regulation of Shale Gas Development (2011; University of Texas Energy Institute)

III. Electricity

EEE Ch. 8 (Introduction to Electricity), 563-608
IV. Renewable Energy/Conservation and Efficiency

A. Renewable Portfolio Standards/RECs

EEE Ch. 11 (Renewable Energy Sources), 872-905

B. Transmission Siting For Renewables Projects/FERC Order 1000

EEE Ch. 11, pp. 930-955

C. Case Study of Transmission Siting and Cost Allocation: PJM

PJM System Planning 201 (RTEP), March 2012

V. Climate Change/Utility Impacts

A. Keystone XL Pipeline & Climate Change Impacts

Readings TBA (including excerpts from DoE EISs)

B. Implementation of California AB 32/Utility Regulation


David R. Baker, *State’s 1st carbon auction goes smoothly, SFGate, Nov. 19, 2012*